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Defendant Gary W. Rodrigues

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

JEANNE K. ENDO,	)	CIVIL NO. 03-00563 LEK
)	
Plaintiff,	)	THIRD-PARTY DEFENDANT
	)	GARY W. RODRIGUES' NINTH
vs.	)	MOTION IN LIMINE TO BAR
	)	ALL TESTIMONY CONCERNING
UNITED PUBLIC WORKERS, AFSCME	)	WORK PERFORMED ON A
LOCAL 646, AFL-CIO,	)	PROPERTY IN BEND, OREGON;
Defendant,	)	MEMORANDUM IN SUPPORT
	)	CERTIFICATE OF SERVICE
vs.)	
)	
GARY W. RODRIGUES,)	
)	
Third-Party	)	TRIAL: May 13, 2008
Defendant)	
)	

THIRD-PARTY DEFENDANT GARY RODRIGUES' NINTH MOTION IN LIMINE
TO BAR ALL TESTIMONY CONCERNING WORK PERFORMED
ON A PROPERTY IN BEND, OREGON

Comes now Third-Party Defendant GARY W. RODRIGUES
(hereinafter referred to as "Rodrigues"), by and through his
undersigned attorneys, and hereby moves in limine for an order

barring all testimony concerning work performed on a property in Bend, Oregon at trial in the above referenced case on the bases that such testimony or evidence:

1. Lacks any relevance to any of the issues in this case;
2. Will result in unfair prejudice to Rodrigues, confuse the issues in this case and/or mislead the jury;
3. Will result in undue delay, waste of time and/or the presentation of needless duplicative evidence; and
4. Is barred by Rule 404(b), Federal Rules of Evidence.

This motion is brought pursuant to Rule 7(b) of the Federal Rules of Civil Procedure, Rules 401, 402, 403, and 404(b) of the Federal Rules of Evidence, Rule 16.9, Local Rules of Practice for the United States District Court for the District of Hawaii, and is based upon the memorandum attached hereto, the records and files in this action and such further evidence or argument which may be presented at a hearing on the motion.

DATED: Honolulu, Hawaii, April 22, 2008 .

/s/ Eric A. Seitz
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